

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 537 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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ROMA INDUSTRIES

Versus

SHANNIPAL DYEING & PRINTING MILLS PVT. LTD.

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Appearance:

MR JAYANT PATEL for Petitioner

MR NK MAJMUDAR for the caveators-respondents

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CORAM : MR.JUSTICE J.R.VORA

Date of decision: 06/06/2000

ORAL JUDGEMENT

1. Heard the learned Advocate, Mr. Jayant Patel,  
for the petitioner and Mr. N.K. Majmudar for the  
Caveators respondents. Rule. Mr. N.K. Majmudar waives  
service of rule for the respondents.

2. The learned Advocate, Mr. N.K. Majmudar, for the respondent-original defendant, makes statement that the possession of the property which is subject matter of dispute in this Revision Application has been obtained by the defendant and as on today, the defendant is in possession of the property in dispute. The statement of the learned Advocate, Mr. N.K. Majmudar, is recorded. The learned Advocate, Mr. Jayant Patel, for the petitioner also makes contrary statement that the possession as on today of the disputed property is still with the present applicant-plaintiff. Mr. Patel makes statement under the instruction of the applicant-plaintiff who is present in the court. The statement of Mr. Patel is also recorded.

3. Now, it will be for the respective party to prove at an appropriate stage in Lower courts that who is in the possession of the property. For the purpose of this revision, the impugned order passed by the learned Asst. Judge, Surat on 29th February, 2000 is suspended till the final disposal of the Miscellaneous Civil Appeal No.9 of 2000. The learned District Judge / Asst. Judge, Surat is directed to dispose of the Miscellaneous Civil Appeal No.9 of 2000 within 15 days from the date of receipt of the writ of this order. It is further directed that the parties shall maintain status quo qua the disputed property as on today till final disposal of the Miscellaneous Civil Appeal No. 9 of 2000 pending before the District Court, Surat.

4. Rule is made absolute to that extent and revision stands disposed of accordingly. Direct Service permitted.

(J.R. VORA, J.)  
(kamlesh)